

REMARKS

Claims 1-43 and 58-73 were pending. No claims have been amended. No claims have been added/canceled. Accordingly, claims 1-43 and 58-73 remain pending subsequent entry of the present amendment.

Office Actions are Non-Responsive to Amendments and Applicant Comments

In Applicant's Amendment dated November 2, 2007, Applicant provided an amendment to the claims which expressly provided further limitations. For example, claim 1 was amended to recite further features regarding the recited format definition. In particular, the claim was amended to recite the additional limitations "wherein said format definition comprises a description of a grammar which defines a syntax of a target language." In the Office Action dated February 2, 2009, these newly added claim features are ignored and the comments provided by the examiner on page 3 of that office action treat the claim as if the newly added features do not exist. In particular, the Examiner's comments state:

"Applicant appears to allude to a format as a syntax or semantics of the data, but this is not required as format is given the broadest reasonable interpretation in the art, which does not preclude software code."

However, these comments from the examiner make no sense in view of the amendment. Applicant has not simply provided comments that "allude" to a syntax or semantics – Applicant explicitly amended the claim to recite "said format definition comprises a description of a grammar which defines a syntax of a target language." Such features are expressly in the claim and are not simply alluded to by Applicant in a passing comment. Applicant maintains that Inagaki's disclosure of a heading and data in no way anticipates the claimed features.

In addition to the above, Applicant further notes the present Office Action provides no response to Applicant's previous Response. Rather, the present Office Action represents a simple copy-and-paste of the previous Office Action. It is difficult for Applicant to tell whether the Applicant's previous Responses has even been reviewed. Accordingly, Applicant does not believe the Office Action complies with (at least) the requirements of MPEP 707.07 as to completeness.

35 U.S.C. § 102 Rejections

Claims 1-4, 7, 42, 43, 58, 59, 67 and 72 stand rejected under 35 U.S.C. 102(e) as being anticipated by previously cited U.S. Patent No. 6,337,715 (hereinafter "Inagaki"). Applicant has carefully reviewed the cited reference and believes the claims recite features neither disclosed nor suggested therein. Accordingly, Applicant traverses the above rejections and requests reconsideration in view of the following comments.

It is noted on pages 2-3 of the Office Action of February 03, 2009, and on page 2 of the present Office Action, the Examiner uses verbatim language to suggest that Inagaki teaches the features of the claimed invention. The use of copied language from a prior office action by the Examiner without addressing Applicant's arguments in the previous Response is believed unresponsive, unhelpful, and certainly not in accord with the PTO's stated goals concerning compact prosecution. This concern is especially heightened when the Examiner continues to base the rejection on a reading of the claims which does not consider the explicit limitations added to the claims in a prior amendment as discussed above.

For example, claim 1 recites a data processing engine receiving a format definition, "wherein said format definition comprises a description of a grammar which defines a syntax of a target language". Regarding these specific limitations, in the present Office Action, the Examiner makes no comment regarding the Applicant's remark on page 11 of the previous Response directed to the Examiner's earlier statement

made in error: “Applicant appears to allude to a format as a syntax or semantics of the data, but this is not required as format is given the broadest reasonable interpretation in the art, which does not preclude software code.” Claim 1 expressly recites limitations beyond simply reciting a “format definition” Applicant has not alluded to a definition of a syntax, claim 1 expressly recites said format definition comprises a description of a grammar which defines a syntax of a target language. These features are not disclosed or suggested by the cited art, and are not addressed in the present Office Action.

On page 2 of the present Office Action, in the copied language, the Examiner suggests “Inagaki teaches a header and data, both of which creates the format definition, wherein the header identifies the name of the library and attributes in combination with the data reads on a format definition”. However, first, Inagaki discloses at col. 15 lines 50-57 a broadcast signal comprises a header part 32, wherein the header part is “just a pointer indicating the library A, so the library A itself must be fetched”. In contrast, claim 1 recites said format definition comprises a description of a grammar which defines a syntax of a target language. These features are wholly absent from the cited art.

35 U.S.C. § 103 Rejections

Claims 5-11, 26-27, and 59-61 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Inagaki in view of Program Guide for Digital Television ATSC Standard (hereinafter “ATSC”). Claim 73 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Inagaki in view of U.S. Patent No. 6,286,133 (hereinafter “Hopkins”). Applicant respectfully traverses this rejection. However, as the rejection of each of these claims depends upon Inagaki for the reasons discussed above, the suggested combinations do not disclose all the features of the claims. Accordingly, a prima facie case of obviousness has not been established and each of these claims are patentably distinct from the combination of cited art.

35 U.S.C. § 112 Rejections

Claims 1-43, 68 and 70 stand rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the previous Response, Applicant provided arguments highlighting the claims recite only an apparatus, such as a receiver comprising a data processing engine, and functional limitations of the data processing engine. However, the Examiner in the present Office Action merely maintains his position with a copy of his prior comments. Applicant's previous comments regarding this rejection are incorporated herein by reference. As previously discussed by the Applicant, the examiner's argument is understood by the Applicant. However, Applicant maintains the examiner is in error.

Further Prosecution

In light of the foregoing amendments and remarks, Applicant submit that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. As the present application has already had one appeal, and Applicant would prefer to avoid a further appeal, a phone interview is requested if the examiner wishes to maintain the present rejections.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-09300/RDR.

Respectfully submitted,

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